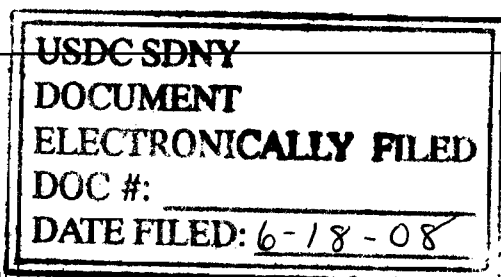




United States Attorney
Southern District of New York

MEMO ENDORSED

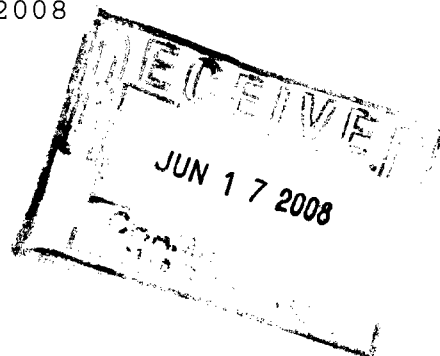


86 Chambers Street
New York, New York 10007

June 16, 2008

By Hand

Leonard B. Sand
United States District Court Judge
United States Courthouse
500 Pearl Street, Room 1650
New York, New York 10007



Re: Angel Quiles v. Barnhart
07 Civ. 11320 (LBS)

Dear Judge Sand:

This Office represents the Commissioner of Social Security, defendant in the above-referenced action. I am writing respectfully to request a thirty day extension of time, from June 16, 2008, until July 16, 2008, to respond to the complaint.

On May 28, 2008, this Office sent a proposed stipulation of remand to plaintiff pro se. Plaintiff has yet to respond.

In addition, upon further review, this Office has determined that the more appropriate course of action is to request that plaintiff agree to a voluntary dismissal. This is because plaintiff failed to appear for his scheduled administrative hearing, and thus did not exhaust his administrative remedies as required to obtain a final decision that is subject to judicial review under 42 U.S.C. § 405(g). Because the Commissioner has determined that further proceedings are necessary concerning whether plaintiff had good cause for his failure to appear for his hearing, once the case has been dismissed, the Appeals Council will remand the case to the ALJ to address the issue of good cause.

Unfortunately, because plaintiff has not provided this Office with a telephone number, we have been unable to reach him to explain our position. The additional time will allow this Office time to explain our position to plaintiff and to attempt to resolve this matter without the need for further litigation.

MEMO ENDORSED

Two prior extensions have been granted to defendant, as the answer was originally due on March 17, 2008.

Thank you for your consideration of this request.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

BY: *Leslie A. Ramirez-Fisher*
LESLIE A. RAMIREZ-FISHER
Assistant U.S. Attorney
Telephone: (212) 637-0378
Fax: (212) 637-2750

cc: Angel Quiles
Plaintiff pro se (By Regular Mail)

*extension granted as
requested
S. Anderson
J. S. Anderson
6/17/09*

MEMO ENDORSED